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ABSTRACT

Recent immigration legislation has potential impacts on migrant education and Mexican American education. The Immigration Reform and Control Act of 1986 was passed after nine years of intense debate. The heart of so-called immigration reform is employer sanctions, which seek to restrict migration to the United States by prohibiting employers from hiring workers without proof of U.S. citizenship or work authorization. This paper presents evidence that the government's continuance of employer sanctions may be ill-founded. A law suit by the American Friends Service Committee related to this matter and to issues of religious freedom is also examined. As in other countries where they have been tried, employer sanctions in the United States have had little impact on the influx of unauthorized labor. Rather, they seem only to push illegal immigrants underground and to increase their vulnerability to abusive employment practices. Undocumented workers do not displace U.S. citizens from jobs, but have historically played a key role in U.S. production and economic growth by filling jobs unattractive to the domestic labor force. In addition, undocumented immigrants have benefited local economies by enabling low-wage industries to expand and by purchasing consumer goods and durables. Research demonstrates that labor flows across our borders are fundamentally a result of international dynamics rooted in deep-seated economic and political inequality between the United States and developing countries. A serious critical evaluation of employer sanctions is warranted. This paper contains 45 references. (SV)

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Immigration Reform: An Analysis of Employer Sanctions*

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INTRODUCTION

The Immigration Reform and Control Act (IRCA) of 1986 was passed after nine years of intense and heated debate, much of the debate generated by the Mexican origin and Latino communities.[1] The heart of so-called immigration reform or IRCA is employer sanctions, although there are two other significant provisions in the law.[2] This is so because the intent of employer sanctions is to restrict or impede migration to the United States by prohibiting employers from hiring workers who cannot demonstrate (1) proof of U.S. citizenship or (2) work authorization.

As law of the land regulating who may be employed in the U.S., employer sanctions affects all persons seeking employment. To date the only legal challenge to employer sanctions has come from a law suit by the American Friends Service Committee (AFSC) against the U.S. government (American Friends Service Committee; et al., vs.

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[1] For reviews of this debate see Sierra, 1987 and Acuna 1988.

[2] The second major feature of IRCA is legalization or the "amnesty" program by which undocumented immigrants residing continuously in the U.S. since before January 1, 1982 have applied to Phase I of the program during the year May 5, 1987-May 4, 1988 and been approved for temporary resident status. A very large percentage of these immigrants are now enrolled in Phase II of the legalization program and are taking courses in English and U.S. History and Government and must qualify for Phase III which can lead to U.S. citizenship after a five year period. This feature of IRCA was offered as the positive balance to the negative features of employer sanctions.

The third component of IRCA is the increased funding provided the Immigration and Naturalization Service which has been used to increase border enforcement, both in personnel and technology.

Richard Thornburgh, Attorney General of the U.S.; et al., 1989). The AFSC argues that it cannot conform to the requisites or demands of employer sanctions because one of its'central religious or philosophical tenets is to embrace or welcome the stranger, i.e., the immigrant. As a religious organization it cannot then deny employment to immigrants or even ask for the documents required by IRCA.

The purpose of this paper, however, is not to weigh the various arguments advanced in the AFSC suit, but rather to assess whether the basis for establishing employer sanctions still hold after three years of the new immigration law being in force. The AFSC suit thus serves the purpose of offering a way of weighing one set of prerogatives--border enforcement--with another: religious freedom.

IRCA AND CONTROL OF THE INTERNATIONAL BORDERS

Although there has been much conjecture on the issue, contemporary rates of unauthorized immigration appear to have been no greater than historical norms. In the mid-1970s, the Immigration and Naturalization Service (INS) customarily estimated there were 12 million undocumented immigrants in the United States (see Cornelius, 1978:13). By 1981, the agency had dramatically reduced this estimate from three to six million undocumented immigrants, but predicted their numbers would grow at from one quarter to one half million

persons per year (Meissner, 1981:1).[3]

In 1982, the National Research Council (NRC), the research arm of the National Academy of Sciences, formed a Panel on Immigration Statistics at the request of the INS. Reporting in 1985, the Panel concluded that "a population of 1.5 to 3.5 million illegal aliens in 1980 appears reasonably consistent with most of the empirically based studies.... (Levine, Hill and Warren, 1985:226)." The only available data on recent trends, INS statistics on apprehensions of deportable aliens, indicate that the undocumented population has increased little since 1977.

Dr. Jeffery S. Passel of the U.S. Bureau of the Census similarly concludes on the basis of the Census Bureau's own data that the undocumented resident population was in the range of 2.5 to 3.5 million in 1980. This figure is consistent with other data, such as the 1980 Mexican census (see Passel 1985:7,15 and Anderson, 1986:9-10). Comparison of historical rates of undocumented immigration must take into account statistical fluctuations due solely to changing legal definitions. Between 1942 and 1964, for example, the U.S. had a temporary foreign worker program "the Bracero Program," admitting several hundred thousand temporary workers or "braceros" in some years. In 1960, 447,207 foreign laborers were legally admitted as temporary laborers. In 1965, Congress ended the Bracero Program, but not the annual migration of workers to perform temporary labor in the United States. The law simply redefined this continuing influx of

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[3] See also Levine, Hill and Warren, 1985:226 and Passel, 1986: 181-200).

foreign workers as "illegal" (see Cafferty et al., 1983: 103).

IRCA EMPLOYMENT CONTROLS, THE EMPLOYMENT OF UNDOCUMENTED IMMIGRANTS AND UNAUTHORIZED IMMIGRATION

The conventional rationale for employer sanctions is that by denying undocumented immigrants employment, we remove the principal incentive for their immigration. Several sources of empirical data bear on this reasoning. In the United States, relevant evidence has accumulated since the early 1970s, when twelve states, including California, experimented with local employer sanctions laws.

Internationally, two General Accounting Office studies have evaluated whether employer sanctions have had appreciable success in other countries (Government Accounting Office, 1982; 1985). In other countries employer sanctions similarly proved ineffective. In Canada, for example, employer sanctions failed because proving that an employer knowingly violated the law was too difficult or too expensive (GAO 1982, Appendix I:4). In other countries, employers managed "to evade responsibility by subcontracting for work through firms that obtain illegal aliens on a temporary basis (GAO 1982, Appendix I:14)." In a study conducted three years later, the only area in which unauthorized immigration declined, allegedly because of employer sanctions, was Hong Kong (GAO 1985).

Since enactment of the IRCA employment controls, evidence has mounted that national level employer sanctions are proving no more effective than the numerous state-level laws of this type enacted since 1971, and in all but one of the foreign countries surveyed by

the GAO. Using different methodologies, Bustamante and Cornelius independently found that employer sanctions have failed to alter the basic, pre-IRCA patterns of undocumented migration to the United States (see Bustamante, 1988:13 and Cornelius, 1989:10). Cornelius' study of migration from traditional sending communities in Mexico found that employer sanctions have had negligible influence on the propensity to migrate. Specifically, the "data show that most people [in such communities] continue to have an essentially favorable perception of the U.S. opportunity structure'" despite employer sanctions (Cornelius, 1989:6, 10).

The inefficacy of employer sanctions may in part be attributable to their limited success in modifying employers' behavior. A major component of the Cornelius study addresses the impact of employer sanctions on "immigrant dependent" employers in Southern California. Forty-eight per cent of the 103 employers interviewed in this study believe that they probably have undocumented workers on their payroll; 78 percent report employer sanctions will have no effect on whom they hire in the future. Paradoxically, 94 percent of these employers report systematically checking workers' documents and completing the required paperwork.

Employer sanctions, therefore, appear neither to deter dependent employers from hiring undocumented labor nor to reduce unauthorized migration. Regarding the American Friends Service Committee suit against the government it appears, in light of the evidence just provided, that employer sanctions sacrifices religious freedom for an unworkable law since closing the border appears futile. Stated

otherwise, if from an empirical standpoint employer sanctions have little chance of accomplishing border control, then requiring religious objectors' participation in such controls would sacrifice religious freedom without commensurate benefit to the government.

Statistical evidence on the distribution of unauthorized workers in the U.S. economy bears greatly on whether the government's interest in uniform compliance with employer sanctions leaves no room for religious objectors. Unauthorized immigrants appear to be drawn to the United States to fill jobs sharing specific characteristics. There is no evidence that the possibility of finding a job with religious employers such as the AFSC provides any significant incentive to unauthorized immigration.

> The demand for Mexican labor in the U.S. economy is selective; not all U.S. capitalists need Mexican labor, and those who do utilize this labor source usually need Mexicans to fill only a few categories of jobs in their enterprises (Cornelius, 1988:3).

Undocumented labor is typically concentrated in specific kinds of industries. McCarthy and Valdez found in California that

> ...[a]lmost two-thirds of the immigrants are employed either in manufacturing or in service industries... [T]he vast majority of the immigrants are working in low-skilled jobs within these industries...55 percent are employed as semi-skilled laborers or service workers. Only about 30 percent are employed in either skilled craft jobs or white-collar occupations (McCarthy and Valdez, 1986:35).

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The government's suggestion that employment with the AFSC would significantly undermine the efficacy of the employer sanctions program finds no support in empirical research. Because undocumented immigration is fueled mainly by the availability of employment in manufacturing, construction and service industries, denying accommodation for the AFSC's religious exercise would result in no measurable impairment of the government's interest in employer sanctions.

THE IMPACT OF UNDOCUMENTED IMMIGRANTS ON THE U.S. WORKFORCE AND ECONOMY

A. The Impact of Unauthorized Labor on the U.S. Labor Market

Though the workings of the labor market are not fully understood, authorities generally agree that "[u]nemployment is caused by unfavorable economic conditions, not by individuals (Thompson, 1981).[4] These unfavorable economic conditions include (1) rationalization or simple reduction of total capacity; (2) intensification or changes designed to increase the productivity of labor; and (3) investment and technical changes in production reorganization (see Massey and Meegan, 1982 cited in Flores, 1983:305-306).[5]

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[4] The idea nonetheless persists that the undocumented take jobs from U.S. citizens or authorized aliens. Research indicates that this rationale might reflect a convenient psychological means of explaining away deeper economic problems. The notion of "scapegoating" plays an important role (Mazon, 1975 and Lopez, 1981).

[5] In their analysis of job loss in England, Massey and Meegan clearly demonstrated that these three distinct mechanisms contributed to unemployment or job loss In addition, they showed that a "differential geographical job loss resulted in the same industry. Because of factors such as labor militancy (i.e. increased costs of production) industry would move to new areas where such labor demands were absent. The 'sunbelt business

Empirical data indicate that the U.S. labor market, far from being overwhelmed by undocumented immigrants, is increasingly reliant on immigrants for new entrants into the labor force. Research suggests that the U.S. labor market will continue to need immigrant labor if it is to grow and remain internationally competitive.

A U.S. Department of Commerce-commissioned report on the future U.S. workforce projects that from 1987 to the year 2000, 85% of new entrants into the labor market will be women, minorities and immigrants. The number of immigrants per year needed for the economy to grow at a modest three percent, about 600,000 persons a year, exceeds the total allowable immigration under present law by about 100,000 per year.

> Immigrants will represent the largest share of the increase in the population and the workforce since the first World War: Even with the new immigration law, approximately 600,000 legal and illegal immigrants are projected to enter the United States annually throughout the balance of the century. Two-thirds or more of immigrants of working age are likely to join the labor force. In the South and West where these workers are concentrated, they are likely to reshape local economies dramatically, promoting faster economic growth and labor surpluses (Johnson, 1987:xx).

As Cornelius recently concluded,

> The number of young Americans will shrink, in absolute terms, by 10-15 percent between 1985 and 1995. Simultaneously, the number of prime age (35-45 years) workers and consumers will increase by 35%. These demographic shifts will

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migration' in the United States has, of course, taken this economic logic into account (Flores, 1983:305)."

> result in a major increase in consumer demand and a shortage of workers available to fill low-skill jobs. ... Indeed, the shortage of young, U.S. born workers willing to take low paying, entry-level jobs is already upon us (Cornelius, 1978).

The effects on the economy from the employment of undocumented immigrants affects the absolute number of jobs in impacted industries as well. Muller and Espenshade conclude that without Mexican immigration

> ... there would have been 36,000 fewer jobs in 1980 than actually existed in industries such as furniture, apparel, textiles, and leather -- industries that employ a high proportion of the Mexican immigrant worker (1985:148).

These scholars estimate that without Mexican workers about 53,000 manufacturing jobs in Los Angeles County would have been lost since 1970.

The potential for future labor market shortages is best understood as characteristic of the historical role of immigrant labor in the United States. Unauthorized immigrants have historically played a key role in production and economic growth in the United States (Samora, 1971 and Kiser and Kiser, 1979). In current societal trends of production reorganization (post-Viet Nam era growth and stagnation, including the sunbelt strategy), immigrants filter into the labor market at jobs that are, for the most part, unattractive to the domestic labor force, jobs where long hours, poor working conditions, low pay and little chance for advancement are characteristic (Maram

and Long, 1981 and Bailey and Freedman, 1982).

Social scientists generally agree that undocumented immigration causes no one-to-one job displacement; that is, because an undocumented immigrant has a job does not mean that a citizen has lost one. Thus, unauthorized workers displace fewer authorized workers than is commonly thought the case. Indeed, studies have concluded there is little or no job displacement by undocumented workers (see McCarthy and Valdez, 1986:45).

Alternatively some researchers argue that undocumented workers have a disproportionate impact on minority workers who occupy the bottom rungs of the economic ladder (see Briggs, 1974 and 1975). But Muller and Espenshade in their study of California's immigrants point out that immigrant workers and blacks are labor market complements rather than substitutes. Indeed, the presence of immigrant workers may facilitate the upward mobility of blacks, especially in public service employment (1985:102).

Comparative unemployment rates are yet another indicator of immigrants' benign impact on labor markets. Numerous researchers have found that unemployment rates are inverse to the number of immigrant workers. That is, undocumented workers are usually concentrated in regions with the lowest rates of unemployment (Simon and Moore, 1984).[6]

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[6] The incongruity between the presence of immigrant workers and unemployment helps account for the varying positions of labor unions respecting unauthorized workers. Those unions operating in the areas with high concentrations of undocumented immigrants, such as the International Ladies Garment Workers Union, the United Electrical Workers, and the SEIU in Southern California, are among the most vociferous in their opposition to employer sanctions (see

A survey of the Council of Economic Advisors on immigrants in U.S. labor markets concludes in the Economic Report of the President,

> ... [T]he evidence currently available does not suggest that native-born American workers experience significant labor market difficulties in areas that attract immigrants ... [T]he presence of immigrants in labor markets is associated with increased job opportunities overall, including job opportunities for native-born minority groups (General Accounting Office, 1986:223).

B. Non-Labor Market Aspects of Unauthorized Immigration

Though most frequently analyzed, job displacement is but one aspect of the public interest implicated by employer sanctions. In areas outside employment, scholarly research has similarly uncovered diverse ways in which unauthorized immigrants have proved beneficial to the United States. Indeed, the "economic benefits accruing to the average Los Angeles household from the presence of Mexican immigrants probably outweigh the economic costs of fiscal deficits (Muller and Espenshade, 1985:157)."

Flores points out that undocumented immigrants often stimulate local economies by purchasing consumer goods and durables, thus helping create jobs (Flores, 1983:306). McCarthy and Valdez similarly conclude that Mexican immigration has inured to the benefit of California's economy, especially in the Los Angeles area, by enabling many low-wage industries to continue to expand at a time when their counterparts nationwide were contracting under the onslaught of

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Morales, 1985).

foreign competition (McCarthy and Valdez, 1986:34).

In general, then, undocumented immigrants make positive contributions to the building of the economy through productive work, stimulating the economy as consumers, and meeting specific needs in the circuit of production of various industries. Job displacement, meanwhile, has been minimal.

UNLAWFUL EMPLOYMENT DISCRIMINATION AND EMPLOYER SANCTIONS

By requiring employers to deny unauthorized workers employment, Congress was keenly aware that it might thereby exacerbate the plight of citizens and legal residents who had traditionally been the victims of invidious employment discrimination. In fact, this particular aspect of employer sanctions was hotly debated in Congress for a number of years and was a major stumbling block in passage of the bill (see Flores, 1986). Indeed, Congress specifically included language that in effect declares the public interest in employer sanctions subordinate to the nation's long-standing commitment to eradicating discrimination in employment based on race, national origin, and other invidious criteria [see 8 U.S.C. §§1324a(1) and 1324a(b)].

The more employer sanctions result in unlawful employment practices, therefore, the less compelling the government's interest in employer sanctions becomes. If employer sanctions are resulting in widespread employment discrimination, Congress itself has eschewed

any compelling interest in continuing them.[7]

Recent studies are virtually unanimous that employer sanctions are indeed increasing unlawful employment practices against citizens and lawfully resident aliens. The General Accounting Office's second report on employer sanctions concluded that "about one out of every six employers (16%) may have begun or increased the practice of either asking only 'foreign-looking' persons for work authorization papers or hiring only U.S. citizens (General Accounting Office, 1988:46)." The GAO survey also concluded that most (85% to 90%) of those employers who began or increased such discriminatory practices attributed their conduct to employer sanctions (GAO, 1988:49).

Those employers visited by INS, as well as those confused about I-9 verification requirements, more frequently reported asking only "foreign-looking" or "foreign-sounding" job applicants and current employees for proof of work authorization (GAO, 1988: 51,53). The report also noted that employers were frequently discharging employees who had been hired prior to November 6, 1986, for lacking proof of work authorization despite such workers' being exempt from the

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[7] Congress mandated the GAO to prepare three annual reports on whether employer sanctions are resulting in a "pattern" of employment discrimination [8 U.S.C. §1324a(j)]. If the GAO's third report concludes that sanctions have resulted in such a pattern, a task force including the Attorney General, Chairman of the Commission on Civil Rights and the Chairman of the Equal Employment Opportunity Commission shall review the report and make recommendations to Congress for such legislation as may be appropriate to deter or remedy such discrimination [8 U.S.C. §1324a(k)]. If the Comptroller General finds a "widespread pattern of discrimination" as a result of employer sanctions, and there is a joint resolution of Congress adopted which approves these findings, then employer sanctions shall terminate [8 U.S.C. §1324a(l)].

IRCA employment restrictions (GAO, 1988:52).

In November, 1988, the New York State Inter-Agency Task Force on Immigration Affairs completed its investigation of the impact of employer sanctions in New York City. The report reveals myriad problems resulting in authorized workers' loss of existing employment and inability to get new employment. The study concluded that INS-issued I-9 forms stamped "work authorized" are often refused by prospective employers as sufficient evidence of authorization to work. In addition, the study found that authorized workers are often unable to acquire or keep work due to the expiration of their work authorization documents.

The Task Force determined that 61 percent of the employers surveyed were aware of the requirement that they complete INS work-status verification forms, called "I-9's." Nevertheless, many employers could not recognize the I-9 form when it was shown to them.

Finally, despite provisions of IRCA requiring employers to hire first and then verify an employee's work authorization, the vast majority, accounting for 87 percent of the jobs, stated they do not hire until after workers prove authorized employment status. Employers either refused to consider job applicants or required that the prospective employee wait and then after a time refused to hire, a result unlawful under IRCA.

The Task Force concluded:

> Data limitations prevent us from estimating precisely the number of jobs that were denied, length of time that some workers were forced to wait before they were employed or the amount of

> income loss or other hardships that may have resulted from discriminatory practices. However, it is clear from our data that the scope of these practices is broad. Employed authorized aliens, as well as citizens, face a labor market where 64.1% of the jobs in which the I-9 procedure is used, are in work places in which job-seekers are unlawfully required to provide work authorizing documentation before being hired. This has doubtlessly led to numerous instances of delays in hiring or rejection of job seekers because they could not get their documents fast enough. If we count only cases where the same employer reported both practices, we estimate that there have been at least 22,262 cases in which people were either temporarily denied work or not hired by an employer. Since there are an estimated 1,221,516 jobs in such work places, the actual number of occurrences is likely to be far higher (New York State Inter-Agency Task Force on Immigration Matters, 1988:9).

In October, 1988, the Coalition for Humane Immigration Rights of Los Angeles (CHIRLA) issued a report on employer sanctions. The report found that employees were fired, supposedly because they had insufficient proof of work authorization, even though they were in fact authorized to work. Workers with proper work authorization were fired or threatened with termination because employers erroneously believed their documents were fraudulent (CHIRLA, 1988:4 and 5).

Other reported problems include (1) persons hired before November 6, 1986, and thus exempt from work authorization verification, often being required to produce proof of work authorization; (2) some employers (2.5%) implicitly or explicitly favoring United States citizens in hiring, (3) employers (8.8%) openly or implicitly

preferring undocumented workers in hiring, or firing or harass documented workers so they could hire undocumented workers at lower wages (CHIRLA, 1988:6).

The CHIRLA Report concludes:

> A review of the information which has been collected to date indicates that the problems which have been caused by employer sanctions can be divided into two general categories. In many cases, employers have taken action against workers because of faulty understanding of the requirements of the law and overcaution, demanding excessive documents or refusing to accept certain valid documents. In other cases, the employers seem to be using employer sanctions and document verification as a weapon against workers, paying certain workers less because of their vulnerable situations. In both types of cases the result is the same: the worker suffers (CHIRLA, 1988:10).

The Human Rights Commission of the State of Illinois issued its report after holding hearings in Chicago and Elgin. Evidence presented to the Commission included reports of discrimination on the basis of national origin or ancestry in the verification process. Workers hired before November 6, 1986, again suffered from discrimination. Workers granted legalization under the IRCA amnesty program and other immigrants were increasingly discriminated against with regard to pension rights, seniority, fringe benefits, wages and hours (CHIRLA, 1988:14).

The foregoing has shown that employer sanctions very likely are resulting in unlawful employment practices. Clearly the data here detracts from the government's interest or arguments for continuing to use employer sanctions as a border control. Indeed, available

evidence suggests that the adverse side effects of employer sanctions might be worse than the problem they are intended to cure.

One unintended effect would be the loss of religious freedom such as that found by the American Friends Service Committee. Careful evaluation of the government's interest in continuing the employer sanctions program should take into account not only the benefits of employer sanctions, but their undeniable costs.

EMPLOYER SANCTIONS AND HUNGER AND DEPRIVATION AMONG UNDOCUMENTED IMMIGRANTS AND THEIR CHILDREN

One argument voiced often in Congress on behalf of immigration reform such as IRCA was based on the belief that legalization would bring the undocumented out of their marginal existence in the shadows of society where they were exploited economically and socially due to their lack of legal status. Unfortunately, as has been demonstrated, under employer sanctions, many undocumented who were grandfathered in (that is, they did not qualify for legalization, but were employed before Nov. 6, 1986) face unemployment due to unscrupulous employers. In addition, undocumented immigrants who came to the U.S. on or after January 1, 1982 remain on the margins of society because they could not qualify for legalization.

Due to this marginalization the undocumented, others treated unlawfully via employer sanctions, their dependent children, and the communities they reside in face increased physical and psychological hardship. Unemployment among the unauthorized labor force, as institutionalized through IRCA, therefore, has profound implications

for the health and well-being of both the documented and undocumented poor.

Much research has been done on the physical and mental health consequences of unemployment. The pioneering work of Brenner established a relationship between economic displacement and health problems (Brenner, 1972). Compared to the general population, unemployed workers and their families experience much higher rates of heart disease, respiratory disease, alcoholism, suicide, and mental illness.

Unemployed workers and their families also exhibit a higher incidence of child and spouse abuse and neglect and an overall higher rate of all forms of domestic violence (see Brenner, 1972; Doyal, 1972; Hayes and Nutman, 1981 and Pena, 1987). For example, Pena has shown that there is a demonstrable link between unemployment and domestic violence among laid-off steel workers (1987).

In addition, there is a high incidence of stress-related health problems among all family members of the unemployed, but their children seem to be particularly hard-hit (Pena, 1988). These studies demonstrate that the health and psychological costs of unemployment affect not only the unemployed worker, but dependent family members as well.

Both Shuval (1982) and Pena report that undocumented immigrant families face even greater physical and mental health problems as a result of economic displacement. Shuval finds that the undocumented are typically denied unemployment insurance and access to other income-maintenance programs which alleviate some of the adverse

affects of forced unemployment among citizens and resident aliens. Pena (1988) also points out that the effects of economic displacement among undocumented immigrants are further magnified by their uncertain legal status.

Another dimension of institutionalized unemployment is its impact on rural communities. Pena's (1988) study of Hispanic rural communities in southern Colorado found an increasing number of "homeless undocumented" -- a population that the weak economies of rural communities have difficulty supporting. Employer sanctions have thus increased the burden on already impoverished rural communities, which have nonetheless attempted to feed and clothe hungry immigrant workers and their children. Such communities are ill-equipped to meet the physical and mental health problems created by homeless undocumented families

CONCLUSIONS

The evidence from empirical data lends credence to the belief that the government's continuance of employer sanctions may be ill-founded. Employer sanctions appear to encourage unlawful employment practices while failing to make a significant contribution to effective border control. Employer sanctions, in accord with the experiences of other countries where they have been tried, have had little impact on the influx of unauthorized labor into the United States. Indeed, employer sanctions seem only to push the international circulation of immigration underground and increase the vulnerability of migrants to abusive employment practices.

Unanticipated consequences of employer sanctions include such unacceptable situations as found by the Quakers (the AFSC). Their basic objection to employer sanctions is that such sanctions do exacerbate the hardship and suffering experienced by immigrant workers, their families, and the already impoverished communities in which they reside. Thus employer sanctions directly negates a major tenet of their religious philosophy and ethic. Meanwhile, research shows that employment with religious service groups such as the AFSC is an insignificant incentive to migration. Permitting the AFSC to hire without regard to immigration status would detract nothing from the government's border control efforts.

Scholarly research demonstrates that international migration of labor implicates diverse interests in both receiving and sending countries. Scholars have long recognized that labor flows across our borders are fundamentally a result of international dynamics rooted in deep-seated economic and political inequality between the United States and developing countries (see, Reynolds, 1983; Piore, 1979 and Cornelius, 1978).[8] It would seem, based on the evidence available to date, that a serious critical evaluation of employer sanctions is warranted. Unless other contradictory data and evidence is presented the country may best be served by the sunsetting

[8] It is likely that the immigration phenomenon can be effectively addressed only through internationally coordinated policies in both the United States and sending countries. A program of reducing the debt burden and increasing investment in stable, long term development could both improve U.S. exports and reduce the incentive to seek employment here (see, Reynolds and McCleery, 1988:2 and Fagen, 1987).

of this onerous provision of IRCA.

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